

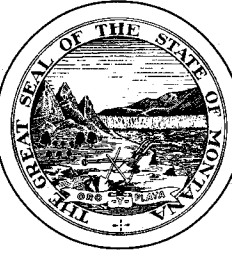
SENATE JUDICIARY

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Bill No. SB 482

# DEPARTMENT OF CORRECTIONS



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## **Guidelines of Supervision for Sex Offenders**

The following are minimum standards of supervision for sex offenders:

### **I. Placement on Specialized Caseload (If available):**

**\*\*Line officers are strongly encouraged to call the sex offender specialist in their region for advice and or strategies for the supervision of sex offenders that are not assigned to a specialized caseload**

**\*\*If logistically possible, officers are strongly encouraged to regularly attend sex offender groups that their offenders are attending.**

1. Current conviction of a sex offense. (Excludes Failure to Register)
2. Sexually motivated offense.
3. Offender required to do a sex offender treatment program (Excludes Aftercare).
4. All Tier III offenders. (Will also need to address the new law on GPS monitoring)

### **II. Level of supervision:**

1. All new cases will be a minimum of supervision level II for at least 6 months.
2. No offender will be less than a supervision level III until completion of treatment (excluding aftercare).

### **III. Treatment Providers:**

1. MSOTA clinical member or an associate member operating under MSOTA approved supervision or equivalent and who is approved by the supervising officer.
2. Treatment providers will be contacted by the PO a minimum of quarterly. (Recommended monthly if possible).
3. Offender may not transfer to another treatment program without approval of the supervising officer.

### **IV. Polygraph:**

1. Annually while on supervision as required by the treatment provider and/or PO. (May need to refer this to legal for further determination.)

### **V. Movement to regular PO (if all of the following exist):**

1. Completion of sex offender treatment (excluding aftercare); and/or
2. Currently in Sex Offender Aftercare or Relapse Prevention; and
2. Supervision level 3 or lower. (If caseloads allow, it is recommended that level 3 offenders remain on a targeted caseload.)

### **VI. Transfers:**

1. PO requesting transfer will contact the sex offender specialist or assigned officer in the receiving office prior to obtaining reporting instructions in order to coordinate a successful transfer to the new location.
2. The receiving officer will have sufficient opportunity to verify appropriate residence, employment and treatment prior to the approval of the transfer and the granting of reporting instructions and a travel permit.

## **VII. Special Conditions:**

(These are general conditions. Others may be added as necessary).

1. Sign "No Contact" contract and abide by all conditions of the contract. (See attached).
2. Offender's chaperone must sign statement of responsibility and be approved by both the PO and treatment provider. (See attached form for recommended use – treatment providers may have a similar form that can be used).
3. Offender must enter and successfully complete sex offender treatment with an MSOTA certified or equivalent and approved by the state and the supervising officer.
4. Offender shall not frequent places where children congregate. This includes but is not limited to: schools, playgrounds, parks, arcades, parties, family functions, holiday festivities, or any other place or function where children are present or reasonably expected to be present without prior approval of the PO and therapist.
5. Offenders shall not be in positions of authority over children unless approved by the therapist and the supervising officer.
6. Employment must be approved by his PO and appropriate notification provided to employer.
7. Residence, changes and any co-habitants must have prior approval of his PO.
8. No access to the Internet without prior permission from his PO and therapist. If Internet access is allowed, the Offender must allow the DOC to install rating control software and conduct random searches of the hard drive for pornography or other inappropriate material.
9. Offenders will not access or have in their possession or under their control any material that describes or depicts human nudity, the exploitation of children, consensual sex acts, non-consensual sex acts, sexual acts involving force or violence, including but not limited to; computer programs, computer links, photographs, drawings, video tapes, audio tapes, magazines, books, literature, writings, etc. without prior written approval of his PO.
10. Offender will not have contact with his victim or their immediate family unless approved by the victim's therapist, offender's therapist and PO.
11. The offender shall remain in Aftercare or Relapse Prevention Class for the entirety of his supervision unless released at the discretion of the PO and therapist.
12. The offender shall reenter treatment at any time if deemed appropriate by the PO and therapist.
13. The offender shall submit to annual polygraph testing.
14. The offender shall have no social, romantic or sexual relationship without first having discussed the relationship with and obtained permission from his probation officer and sex offender treatment provider.

## **VIII. Traveling:**

Offenders must be in compliance with following to be considered for out of town/state traveling.

1. Must be in compliance with treatment.

2. Must be current on all restitution and financial obligations to the court and treatment provider.
3. Pursuant to policy, all out of state travel permits shall be approved by a POII or RA.

If allowed to travel, the following conditions must be met:

1. Offender must notify local law enforcement to register in another state if staying longer than 48 hours.
2. Upon arrival in another county, a tier level III offender will check in with local law enforcement if he's staying over night or longer.
3. Offender's PO will notify the receiving P&P office on all offenders staying over night or longer.
4. Offender's PO will notify the receiving P&P office on all Tier III offender travel permits.

(We recommend a change in the current policy, which requires all travel permits for violent and sexual offenders shall be reviewed with a supervisor prior to being approved or denied)



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
ADULT PROBATION & PAROLE  
SUPERVISION STRATEGIES**

<b>EDUCATION</b>			
<b>Risk &amp; Needs Factor</b>		<b>Officer Strategies</b>	<b>Offender Strategies</b>
<b>Intake</b>	1. Arrange for assessment of IQ's, academic achievement if (+3)		1. Submit to assessment
	2. Review assessment results		2. Provide results of assessment to Probation Officer
<b>Supervision</b>	3. Refer to appropriate educational program (GED, Vo-Tech, Community College, Tutor)		3. Report accurate educational history.
	1. Verify and monitor enrollment in educational program		1. Maintain enrollment – attend classes
	2. Request grades/evaluations		2. Provide schedule to Probation Officer
	3. Collateral contacts with teacher(s)		3. Participate in tutoring
	4. Provide tutoring and/or arrange for volunteer tutor (literacy volunteers, mentors)		

<b>EMPLOYMENT</b>			
<b>Risk &amp; Needs Factor</b>		<b>Officer Strategies</b>	<b>Offender Strategies</b>
<b>Intake</b>	1. Assessment of skills and employment history. (Source: P.S.I. Interview)		1. Submit to assessment
	2. Refer to Career development program, as applicable		2. Provide results of assessment to Probation Officer
<b>Supervision</b> (Currently Employed)	3. Notify employer of criminal justice history, as applicable		3. Report accurate employment history
	1. Verify and monitor employment		1. Maintain employment
	2. Request pay stubs		2. Advise PO of any changes – status, hours
	3. Collateral contacts with employer		
<b>Supervision</b> (Underemployed)	1. Refer to education/training program		1. Maintain current employment – at least (X) months
	2. Verify employment-collect stubs and collateral contacts with employer		2. Advise PO of any changes – status, hours
	3. Provide job coaching - provide tips, develop resume		3. Provide pay stubs to Probation Officer
	4. Develop and refer to job board		4. Participate in education/training program
	5. Refer to specific job sites		5. Conduct job search - #/week
			6. Check job board
<b>Supervision</b> (No Skills/No Job)	1. Verify job search		1. Conduct job search
	2. Refer to job service agency		2. Check job board
	3. Provide job coaching – dress, resume, time management		3. Register at employment agency
			4. Enroll in vocational training.
<b>Supervision</b> (Exceptions-disabled, mother, homemakers, retirees, students, & seasonal)	1. Verify legitimate income to maintain household		1. Provide household income stubs
	2. Require community service		2. Perform community service

## FINANCIAL MANAGEMENT

<b>Risk &amp; Needs Factor</b>		<b>Offender Strategies</b>	
<b>Intake</b>		<ol style="list-style-type: none"> <li>1. Require statement/documentation of household income (request bank statements, tax forms)</li> <li>2. Require household budget, statement of expenses</li> <li>3. Conduct home visit to determine if living within budget – cable, dish</li> <li>4. Check gambling practices</li> </ol>	
<b>Supervision (Paying restitution)</b>		<ol style="list-style-type: none"> <li>1. Collect restitution, fees, and fines: <ul style="list-style-type: none"> <li>• Set/determine monthly fee and restitution payment</li> <li>• Collateral contacts (clerk of court) to verify payments</li> </ul> </li> <li>2. Restrict budget, purchases, travel to ensure payments are maintained (no luxuries when payments are not made)</li> <li>3. Random home visit to check if offender is living within budget</li> <li>4. Check credit cards, payments, purchases</li> </ol>	
<b>Supervision (Not Paying Restitution)</b>		<ol style="list-style-type: none"> <li>1. Collect restitution, fees, and fines: <ul style="list-style-type: none"> <li>• Set/determine monthly fee and restitution payment</li> <li>• Collateral contacts (clerk of court) to verify payments</li> </ul> </li> <li>2. Restrict budget, purchases, travel to ensure maintain payments (no luxuries, when payments are not made)</li> <li>3. Multiple random home visits to check living within budget</li> <li>4. Pull credit cards and structure payments &amp; purchases</li> <li>5. Refer to financial manager, budget counselor</li> <li>6. Request credit check</li> <li>7. Refer to GA therapy, if applicable</li> <li>8. Monitor gambling, if applicable</li> </ol>	

## MARITAL/FAMILY RELATIONSHIPS

<b>Risk &amp; Needs Factor</b>		<b>Offender Strategies</b>	
<b>Intake</b>		<ol style="list-style-type: none"> <li>1. Conduct home visit to meet residents</li> <li>2. Assess family history: criminal history, substance abuse, etc.</li> <li>3. Make collateral contacts – noisy arguments, parties, etc.</li> </ol>	
<b>Supervision (Family Problems)</b>		<ol style="list-style-type: none"> <li>1. Refer to family counseling, family services, and/or treatment program (domestic violence, parenting, birth control)</li> <li>2. Collateral contacts (family counselor, DPHHS, x-wife, DOJ, DOR, treatment providers, neighbors.</li> </ol>	

<b>PSYCHOLOGICAL</b>			
<b>Risk &amp; Needs Factor</b>		<b>Officer Strategies</b>	<b>Offender Strategies</b>
<b>Intake</b>		<ol style="list-style-type: none"> <li>1. Screen and observations, PSI reports</li> <li>2. Refer for in-depth assessment</li> <li>3. Review evaluation report</li> <li>4. Refer to appropriate treatment</li> <li>5. Identify payment plan for treatment – insurance, private, etc.</li> </ol>	<ol style="list-style-type: none"> <li>1. Participate and be honest in evaluation process</li> </ol>
<b>Supervision</b> (Psychological Problems)		<ol style="list-style-type: none"> <li>1. Enroll in treatment program</li> <li>2. Monitor participation – collateral contacts with counselor</li> <li>3. Monitor prescriptions</li> <li>4. Monitor stress – home visits, employment, substance abuse</li> </ol>	<ol style="list-style-type: none"> <li>1. Participate in treatment program</li> <li>2. Take prescribed medication</li> <li>3. Budget for payments, ie insurance</li> <li>4. Schedule treatment with work</li> <li>5. Sign release of information to PO</li> <li>6. Disclose substance abuse – current and prior</li> </ol>
<b>SUBSTANCE ABUSE</b>			
<b>Risk &amp; Needs Factor</b>		<b>Officer Strategies</b>	<b>Offender Strategies</b>
<b>Intake</b>		<ol style="list-style-type: none"> <li>1. Screen substance abuse needs – current offense, alcohol and drug abuse history</li> <li>2. Random breathalyzer, UA, visual tests</li> <li>3. Refer for substance abuse assessment</li> <li>4. Review assessment report – status and recommendations</li> <li>5. Refer to substance treatment agencies – public, tribal, private</li> </ol>	<ol style="list-style-type: none"> <li>1. Complete substance abuse evaluation</li> <li>2. Honest disclosure</li> <li>3. Submit to random tests</li> </ol>
<b>Supervision</b> (Substance abuse problems)		<ol style="list-style-type: none"> <li>1. Monitor treatment participation</li> <li>2. Conduct random, cause, and routine breathalyzer, UA, and/or visual tests</li> <li>3. Conduct searches of home, car, person for contraband</li> <li>4. Collateral contact with therapist, family, employer, law enforcement</li> <li>5. Conduct bar sweeps, drive-bys</li> </ol>	<ol style="list-style-type: none"> <li>1. Cooperate with treatment</li> <li>2. Solicit family participation in treatment</li> <li>3. Submit to all tests</li> <li>4. Submit to all searches</li> <li>5. Do not frequent bars, casinos</li> <li>6. Limit travel</li> <li>7. Have inter-lock installed on car</li> <li>8. Maintain sobriety</li> <li>9. No prescriptions from pharmacies</li> </ol>
<b>SEX/VIOLENT OFFENDER</b>			
<b>Risk &amp; Needs Factor</b>		<b>Officer Strategies</b>	<b>Offender Strategies</b>
<b>Pre-Supervision</b>		<ol style="list-style-type: none"> <li>1. Refer individual for assessment by certified therapist</li> </ol>	<ol style="list-style-type: none"> <li>1. Complete assessment</li> </ol>
<b>Intake</b>		<ol style="list-style-type: none"> <li>1. Refer offender for assessment</li> <li>2. Verify completion of assessment</li> <li>3. Refer to certified treatment program</li> </ol>	<ol style="list-style-type: none"> <li>1. Complete assessment</li> </ol>
<b>Supervision</b>		<ol style="list-style-type: none"> <li>1. Make monthly collateral contacts with therapist</li> <li>2. Check residence – location, occupants (age, victim)</li> <li>3. Conduct home searches for videos, porn, catalogs, etc.</li> <li>4. Completion Sexual/Violent Offender Registration Form</li> <li>5. Submit registration form to DOI</li> <li>6. Enforce no contacts/associations requirements</li> <li>7. Verify level of notification</li> <li>8. Notify victim, if appropriate</li> </ol>	<ol style="list-style-type: none"> <li>1. Attend counseling</li> <li>2. Adhere to counseling requirements</li> <li>3. Maintain approved residence</li> <li>4. Refrain from sexually inappropriate materials within home, car, etc.</li> <li>5. Register as required by law</li> <li>6. No contact with unapproved persons, children, classes of individuals, etc.</li> <li>7. Abide by court ordered conditions</li> </ol>

RISK MANAGEMENT		
Officer Strategies		Offender Strategies
<b>Risk &amp; Needs Factor</b>		
<b>Surveillance Techniques</b>	<ol style="list-style-type: none"> <li>1. Conduct random, cause &amp; routine substance abuse checks</li> <li>2. Conduct home visits</li> <li>3. Collateral contacts with law enforcement, criminal justice system</li> <li>4. Conduct searches for weapons, contraband</li> <li>5. Develop and enforce curfews, as needed</li> <li>6. Review monthly reports submitted by individual</li> <li>7. Require electronic monitoring</li> <li>8. Restrict travel-check purpose of travel, costs, arrangements – approve as privilege</li> <li>9. Conduct intervention hearings</li> <li>10. Make arrests</li> <li>11. Notify victims/Victim-Offender Mediation</li> <li>12. Register as sexual/violent offender</li> <li>13. Report to court/Parole Board on violations, compliance with conditions</li> </ol>	<ol style="list-style-type: none"> <li>1. Abide by all conditions of supervision</li> <li>2. Submit to all requests of the court, parole board and/or PO as requested</li> <li>3. Participate in Victim-Offender mediation</li> </ol>
<b>TERMINATION OF SUPERVISION</b>		
<b>Successful</b>	<ol style="list-style-type: none"> <li>1. Verify compliance with all conditions</li> <li>2. Advise of ongoing obligations, e.g. Sexual/Violent Offender Registration</li> <li>3. Petition court to expunge record for deferred cases</li> <li>4. Complete discharge form</li> <li>5. Close out file</li> <li>6. Conduct records check</li> </ol>	<ol style="list-style-type: none"> <li>1. Provide all documents to verify compliance with conditions</li> <li>2. Acknowledge ongoing obligations</li> </ol>
<b>Unsuccessful</b>	<ol style="list-style-type: none"> <li>1. Issue warrant</li> <li>2. Conduct investigation of all allegations</li> <li>3. Report violation to court/parole board</li> <li>4. Ensure due process for hearing</li> <li>5. Testify at hearing</li> <li>6. Arrest/serve warrant</li> <li>7. Make bond recommendations</li> <li>8. Make screening referral for boot camp, pre-release, ISP, prison</li> <li>9. Transport, as needed</li> <li>10. Discharge case, with violations</li> </ol>	<ol style="list-style-type: none"> <li>1. Peaceful arrest</li> <li>2. Make and honor bail</li> <li>3. Honest testimony at hearing</li> <li>4. Comply with screening</li> <li>5. Answer to allegations</li> </ol>